No. 92-1989

IN THE

Supreme Court of the United States

OCTOBER TERM, 1993

JENNIFER STAMPS,

Petitioner,

v.

COLLAGEN CORPORATION,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

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MEMORANDUM FOR THE RESPONDENT IN OPPOSITION

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August 1993

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This case presents the same question as the petition in *King v. Collagen Corp.*, No. 92-1979, namely, whether state tort actions against medical device manufacturers are expressly preempted under federal law when they seek the imposition of labeling or design requirements that differ from corresponding federal requirements.[1] The courts of appeals in this case and in No. 92-1979 held that tort actions are expressly preempted in these circumstances. The petitioner in this case, represented by

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[1] Pursuant to Rule 29.1, the following is a list of all parent companies and subsidiaries (except wholly owned subsidiaries) of respondent Collagen Corporation: Target Therapeutics, Inc., Coll-Optics, Inc., Prograft Medical, Inc., and LipoMatrix, Inc.

the same counsel as the petitioner in No. 92-1979, has filed a protective petition, seeking only that it be disposed of consistently with the Court's disposition of the petition in No. 92-1979 (Pet. 5).

Respondent likewise submits that this petition should be denied for the same reasons as those stated in its brief in opposition in No. 92-1979.

Respectfully submitted,

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